

Dianne C. Kerns, Trustee
Office of Chapter 13 Bankruptcy
PMB #413
7320 N. La Cholla #154
Tucson, AZ 85741
Telephone (520) 544-9094

IN THE UNITED STATES BANKRUPTCY COURT
FOR THE DISTRICT OF ARIZONA

IN RE:)	CHAPTER 13 PROCEEDINGS
)	
RALPH F GARCIA)	CASE NO.: 09-33587-TUC-JMM
DIANE M GARCIA)	
)	TRUSTEE'S MOTION TO DISMISS
)	FOR DELINQUENT PLAN PAYMENTS
)	and
DEBTORS)	NOTICE OF INTENT TO LODGE
		ORDER DISMISSING CASE <u>WITHOUT</u>
		<u>A HEARING;</u>

PLEASE READ THIS MOTION / NOTICE CAREFULLY
THIS MOTION MAY BE GRANTED WITHOUT FURTHER NOTICE OR HEARING
YOUR RIGHTS MAY BE ALTERED BY FAILING TO RESPOND

Dianne C. Kerns, Trustee in the above-captioned estate, hereby moves the Court for an order dismissing the above-captioned case on the grounds that the Debtors are delinquent in one or more plan payments (1). **The amount of the current plan payment delinquency is: \$3,351.16.** The Trustee hereby gives notice of her intent to lodge an order dismissing this case, without further notice of hearing, unless the Debtors complete one of the following **within 30 days of the mailing of this motion**:

- (a) Make payment to the Trustee of the full amount stated as delinquent PLUS any additional amounts that subsequently come due. (2)
- (b) File and serve a notice of conversion to Chapter 7; or
- (c) File and serve a request for a moratorium of delinquent plan payments (preferably in the form of an amended/modified plan using Local Plan form 13-2)

If the Debtors fail to timely do one of the above, the Trustee is specifically authorized to upload an order dismissing the case and **the Court may summarily dismiss the case without further notice or hearing.** LRBP 2084-15 (3)

Dated: April 14, 2011

/s/ Dianne C. Kerns 011557

Dianne C. Kerns, Esq.
Chapter 13 Trustee

CASE NO.: 09-33587-TUC-JMM

Copy of the foregoing electronically filed with U.S. Bankruptcy Court this April 14, 2011
All parties will receive notice from the court including the following:

RALPH F GARCIA
DIANE M GARCIA
7370 S VIA DEL PROMONTORIO
TUCSON, AZ 85746

KATHRYN JOHNSON
LAW OFFICE OF KATHRYN L JOHNSON
4337 E FIFTH ST
TUCSON, AZ 85711

Prepared by Betty Norton

1 See Local Rules of Bankruptcy Procedure for the District of Arizona ("LRBP") Rule 2084-15. The Court provided notice of the local rules at commencement of this case in a document entitled "Notice of Certain Provisions of Local Bankruptcy Rules 2084-1 through 2084-26", which document was attached to the "Notice of Chapter 13 Bankruptcy Case, Meeting of Creditors, deadlines." The local rules may also be viewed at www.asb.uscourts.gov

2 Payments should be mailed to Dianne C. Kerns, Trustee, P.O. Box 366, Memphis TN 38101-0366. Cashiers checks or money orders only. Debtors do not need to send a confirmation copy of payments to the Trustee's office. Debtors may confirm that the Trustee has received payments by logging onto www.13datacenter.com or www.13network.com. In general, the information on these websites is 24-hours old.

3 Not earlier than 30 + 7 days after the mailing of this motion, the Trustee will determine whether to upload an order dismissing by (1) reviewing the court docket for conversions, extensions, objections, and/or moratoriums; and (2) reviewing the status of plan payments received by the Trustee's bank. The Debtors may object to the proposed dismissal order, by following the procedures in LBRP 2084-16. If the Court dismisses the case on this motion, the Debtors may seek reinstatement by following the procedures in LBRP 2084-17. The Trustee will only approve the reinstatement if the plan payments are current. If the Trustee does not approve the order of reinstatement the Debtors must set the reinstatement for hearing.

RECEIPT HISTORY

RECEIPT DATE	RECEIPT SOURCE	RECEIPT DESCRIPTION	RECEIPT AMOUNT
Jan 27, 2010	9248402247	CASHIER'S CHECK FROM DEBTOR	2,965.00
Feb 25, 2010	20203970997	MONEY ORDER FROM DEBTOR	500.00
Feb 25, 2010	20203970998	MONEY ORDER FROM DEBTOR	500.00
Feb 25, 2010	20203970521	MONEY ORDER FROM DEBTOR	500.00
Feb 25, 2010	20203970522	MONEY ORDER FROM DEBTOR	500.00
Feb 25, 2010	20203970909	MONEY ORDER FROM DEBTOR	450.00
Feb 25, 2010	20203970999	MONEY ORDER FROM DEBTOR	510.00
Feb 25, 2010	6868379519	MONEY ORDER FROM DEBTOR	5.00
Mar 29, 2010	20230020024	MONEY ORDER FROM DEBTOR	500.00
Mar 29, 2010	20230020025	MONEY ORDER FROM DEBTOR	500.00
Mar 29, 2010	20230020586	MONEY ORDER FROM DEBTOR	500.00
Mar 29, 2010	20230020587	MONEY ORDER FROM DEBTOR	500.00
Mar 29, 2010	20230020588	MONEY ORDER FROM DEBTOR	500.00
Mar 29, 2010	6867330790	MONEY ORDER FROM DEBTOR	465.00
May 03, 2010	20230021298	MONEY ORDER FROM DEBTOR	750.00
May 03, 2010	20245253682	MONEY ORDER FROM DEBTOR	565.00
May 03, 2010	20245253683	MONEY ORDER FROM DEBTOR	500.00
May 03, 2010	20245254046	MONEY ORDER FROM DEBTOR	950.00
May 03, 2010	20245254047	MONEY ORDER FROM DEBTOR	200.00
Jun 01, 2010	20245254901	MONEY ORDER FROM DEBTOR	750.00
Jun 01, 2010	20245254902	MONEY ORDER FROM DEBTOR	715.00
Jun 01, 2010	20245254549	MONEY ORDER FROM DEBTOR	750.00
Jun 01, 2010	20245254548	MONEY ORDER FROM DEBTOR	750.00
Aug 02, 2010	6886343539	MONEY ORDER FROM DEBTOR	476.37
Aug 02, 2010	6886343538	MONEY ORDER FROM DEBTOR	900.00
Aug 02, 2010	20210532749	MONEY ORDER FROM DEBTOR	600.00
Aug 02, 2010	20210532750	MONEY ORDER FROM DEBTOR	600.00
Aug 27, 2010	20219553159	MONEY ORDER FROM DEBTOR	776.37
Aug 27, 2010	20219553158	MONEY ORDER FROM DEBTOR	900.00
Aug 27, 2010	20219553157	MONEY ORDER FROM DEBTOR	900.00
Sep 29, 2010	20251941717	MONEY ORDER FROM DEBTOR	676.37
Sep 29, 2010	20251941716	MONEY ORDER FROM DEBTOR	950.00
Sep 29, 2010	20251941715	MONEY ORDER FROM DEBTOR	950.00
Nov 01, 2010	14187951430	MONEY ORDER FROM DEBTOR	500.00
Nov 01, 2010	14187951431	MONEY ORDER FROM DEBTOR	500.00
Nov 01, 2010	14187951432	MONEY ORDER FROM DEBTOR	300.00
Dec 02, 2010	20296502273	MONEY ORDER FROM DEBTOR	900.00
Dec 02, 2010	20296502274	MONEY ORDER FROM DEBTOR	400.00
Feb 01, 2011	14254274148	MONEY ORDER FROM DEBTOR	500.00
Feb 01, 2011	14254274149	MONEY ORDER FROM DEBTOR	500.00
Feb 01, 2011	14254274150	MONEY ORDER FROM DEBTOR	500.00
Feb 01, 2011	14254274151	MONEY ORDER FROM DEBTOR	500.00
Feb 01, 2011	14254274152	MONEY ORDER FROM DEBTOR	500.00
Feb 01, 2011	14254274153	MONEY ORDER FROM DEBTOR	175.58
Mar 08, 2011	20312113493	MONEY ORDER FROM DEBTOR	200.00
Mar 08, 2011	20312113491	MONEY ORDER FROM DEBTOR	900.00
Mar 08, 2011	20312113492	MONEY ORDER FROM DEBTOR	900.00
TOTAL RECEIPTS			29,829.69